



PTO/SB/08A (07-05)

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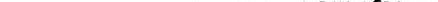
**U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE**

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Substitute for form 1449/PTO		<i>Complete if Known</i>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>		Application Number	10/756,970
		Filing Date	January 13, 2004
		First Named Inventor	Kevin T. Foley, et al.
		Art Unit	3731
		Examiner Name	Unassigned
Sheet	1	of	1
		Attorney Docket Number	MSDI-223/PC444.06

**U. S. PATENT DOCUMENTS**

## **FOREIGN PATENT DOCUMENTS**

Examiner Signature		Date Considered	5/14/07
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<sup>1</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>2</sup>Applicant's unique citation designation number (optional). <sup>3</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

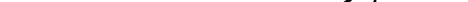
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Substitute for form 1449A/PTO				Complete if Known	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				Application Number	10/756,970
				Filing Date	January 13, 2004
				First Named Inventor	Kevin T. Foley
				Group Art Unit	3731
				Examiner Name	Unassigned
Sheet	1	of	6	Attorney Docket Number	
4002-3443/PC444.06					

## **U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (If known)			
		4,313,434	02-02-1982	Segal	
		4,545,374	10-08-1985	Jacobson	
		4,603,694	08-05-1986	Wheeler	
		4,969,888	11-13-1990	Scholten et al.	
		4,990,148	02-05-1991	Worrick III et al.	
		5,062,845	11-05-1991	Kuslich et al.	
		5,112,346	05-12-1992	Hiltebrandt et al.	
		5,431,676	07-11-1995	Dubrul et al.	
		5,445,639	08-29-1995	Kuslich et al.	
		5,484,441	01-16-1996	Koros et al.	
		5,562,736	10-08-1996	Ray et al.	
		5,653,713	08-05-1997	Michelson	
		5,913,867	06-22-1999	Dion	
		5,928,239	07-27-1999	Mirza	
		6,004,326	12-21-1999	Castro et al.	
		6,066,154	05-23-2000	Reiley et al.	
		6,080,174	06-27-2000	Dubrul et al.	
		6,142,997	11-07-2000	Michelson	

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				
(use as many sheets as necessary)				
Sheet	2	of	6	Attorney Docket Number
				4002-3443/PC444.06
<p>Application Number      10/756,970</p> <p>Filing Date              January 13, 2004</p> <p>First Named Inventor    Kevin T. Foley</p> <p>Group Art Unit           3731</p> <p>Examiner Name           Unassigned</p>				

## **U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (If known)			
MCh		6,200,320	03-13-2001	Michelson	
		6,224,604	05-01-2001	Suddaby	
		6,235,043	05-22-2001	Reiley et al.	
		6,241,734	06-05-2001	Scribner et al.	
		6,248,110	06-19-2001	Reiley et al.	
		6,280,456	08-28-2001	Scribner et al.	
		6,379,364	04-30-2002	Brace et al.	
		6,383,188	05-07-2002	Kuslich et al.	
		6,395,007	05-28-2002	Bhatnagar et al.	
		6,423,083	07-23-2002	Reiley et al.	
		6,440,138	08-27-2002	Reiley et al.	
		6,468,279	10-22-2002	Reo	
		6,485,456	11-26-2002	Kletschka	
		6,530,933	03-11-2003	Yeung et al.	
		6,575,919	06-10-2003	Reiley et al.	
		6,575,978	06-10-2003	Peterson et al.	
MCh		6,582,439	06-24-2003	Sproul	
		6,582,446	06-24-2003	Marchosky	

Examiner Signature		Date Considered	5/14/07
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**EXAMINER:** Initial if reference considered, whether or not claim is in conformance with MPEP 609. Draw line through claim if not in conformance and not considered. Include copy of this form with next communication to applicant.

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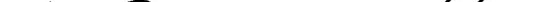
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				Filing Date	January 13, 2004
				First Named Inventor	Kevin T. Foley
				Group Art Unit	3731
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Sheet	3	of	6	Attorney Docket Number	
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Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
meh		6,599,291	07-29-2003	Foley et al.	
		6,607,544	08-19-2003	Boucher et al.	
		6,613,018	09-02-2003	Bagga et al.	
		6,623,505	09-23-2003	Scribner et al.	
		6,626,905	09-30-2003	Schmiel et al.	
		6,641,587	11-04-2003	Scribner et al.	
		6,663,647	12-16-2003	Reiley et al.	
		6,676,665	01-13-2004	Foley et al.	
		6,679,886	01-20-2004	Weikel et al.	
		6,682,535	01-27-2004	Hoogland	
		6,716,216	04-06-2004	Boucher et al.	
		6,719,761	04-13-2004	Reiley et al.	
		6,719,773	04-13-2004	Boucher et al.	
		6,726,691	04-27-2004	Osorio et al.	
		6,730,095	05-04-2004	Olson, Jr. et al.	
		6,746,451	06-08-2004	Middleton et al.	
mch		US 2001-0034526	10-25-2001	Kuslich et al.	
mch		US 2001-0034527	10-25-2001	Scribner et al.	

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<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

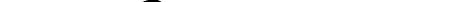
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Substitute for form 1449A/PTO				<i>Complete if Known</i>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				Application Number	10/756,970
				Filing Date	January 13, 2004
				First Named Inventor	Kevin T. Foley
				Group Art Unit	3731
				Examiner Name	Unassigned
Sheet	4	of	6	Attomey Docket Number	4002-3443/PC444.06

## **U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-Kind Code <sup>2</sup> (If known)	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
<i>meh</i>		US 2002-0010471	01-24-2002	Wironen et al.	
		US 2002-0013600	01-31-2002	Scribner et al.	
		US 2002-0020431	02-21-2002	Chou	
		US 2002-0022856	02-21-2002	Johnson et al.	
		US 2002-0026197	02-28-2002	Foley et al.	
		US 2002-0068939	06-06-2002	Levy et al.	
		US 2002-0082605	06-27-2002	Reiley et al.	
		US 2002-0099385	07-25-2002	Ralph et al.	
		US 2002-0120240	08-29-2002	Bagga et al.	
		US 2002-0156483	10-24-2002	Voellmicke et al.	
		US 2002-0161373	10-31-2002	Oscorio et al.	
		US 2002-0173796	11-21-2002	Cragg	
		US 2002-0173813	11-21-2002	Peterson et al.	
		US 2002-0188299	12-12-2002	Reiley et al.	
		US 2002-0188300	12-12-2002	Arramon et al.	
		US 2003-0004530	01-02-2003	Reo	
<i>mdy</i>		US 2003-0032963	02-13-2003	Reiss et al.	
<i>mdy</i>		US 2003-0036763	02-20-2003	Bhatnagar et al.	

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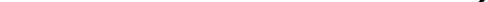
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<b>Substitute for form 1449B/PTO</b> <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(use as many sheets as necessary)</i>				<b>Complete if Known</b>	
Sheet	6	of	6	Application Number	10/756,970
				Filing Date	January 13, 2004
				First Named Inventor	Kevin T. Foley
				Group Art Unit	3731
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				Attorney Docket Number	4002-3443/PC444.06

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cito No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s) publisher city and/or country where published			
mch		WALTER DICK, Internal Fixation of Thoracic and Lumbar Spine Fractures, 1943, Hans Huber Publishers, 130 pages			
mlh		H.G. EDELAND, Open Reduction of Central Compression Fractures of the Tibial Plateau, Preliminary Report of a New Method and Device Arrangement, Department of Orthopaedic Surgery, Central Hospital, Molndal, Sweden, 1976, Acta orthop. scand. 47, 686-689			
mch		N. ZEMLYAK, The Method of Endoprosthetic Replacement of the Coxofemoral Joint, Description of Invention (Supplement to the Certificate of Authorship), 04/12/1983, SU 1148610A, U.S.S.R. State Committee on Inventions and Discoveries, 5 pages			
mch		H. DANIAUX, Transpedicular Repositioning and Spongiosoplasty in Fractures of Vertebral Bodies of the Lower Thoracic and Lumbar Spine (German), 1986, Unfallchirurg (Trauma Surgeon), University Clinic for Traumatologic Surgery, Innsbruck, 89:197-213, 17 pages			
mlh		H. DANIAUX, Transpedicular Repositioning and Spongiosoplasty in Fractures of Vertebral Bodies of the Lower Thoracic and Lumbar Spine (English), 1986, Unfallchirurg (Trauma Surgeon), University Clinic for Traumatologic Surgery, Innsbruck, 89:197-213, 14 pages			
mch		NIKOLAUS NICOLA M.D. and EVALDO LINS M.D., Vertebral Hemangioma: Retrograde Embolization – Stabilization with Methyl Methacrylate, Department of Neurosurgery and Neuroradiology, University of Dusseldorf, Federal Republic of Germany, 1987, Elsevier Science Publishing Co., Inc., 27:481-6, 6 pages			
mch		P. GALIBERT, H. DERAMOND, P. ROSAT, D. LE GARS, Preliminary Note on Treatment of Spinal Angiomas by Percutaneous Acrylic Vertebroplasty (French and English), 1987, Masson, Paris, Neurosurgery Dept., Regional University Hospital Center, PO Box 3006, 80030 Amiens Cedex, France, 33:166-168, 5 pages			
mch		C. LAPRAS, C. MOTTOLESE, R. DERUTY, CH. LAPRAS JR., J. REMOND, J. DUQUESNEL, Percutaneous Injection of Methylmethacrylate in the Treatment of Severe Vertebral Osteoporosis and Osteolysis (P. Galibert Technique), 1989, Annales De Pediatrie, Paris Cedex, France, 43, 5, 371-376, 11 pages			
mch		P. GALIBERT, H. DERAMOND, Percutaneous Acrylic Vertebroplasty as Treatment for Spinal Angiomas and Painful, Debilitating Spinal Conditions, 1990, Masson, Paris, 116, p. 326-335, 18 pages			
mch		DR. MATTHIAS RICHTER-TURTUR, Instrument for Treatment of Vertebral Fracture, 02/07/1991, DE 39 22 044 A1, 9 pages			
mlh		H. DERAMOND, P. GALIBERT, C. DEPRIESTER-DEBUSSCHE, Percutaneous Intraosseous Injections in Palliative Treatment of Bone Metastases, Amiens University Hospital Center, Place Victor-Pauchet, 80054 Amiens Cedex 1, France, p. 36-40, 9 pages			
mlh		YVES BASCOUERGUE MD, J. DUQUESNEL MD, R. LECLERCQ MD, C. MOTTOLESE MD, C. LAPRAS MD, Percutaneous Injection of Methyl Methacrylate in the Vertebral Body for the Treatment of Various Diseases: Percutaneous Vertebroplasty, 1205, 1 page			

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<b>INFORMATION DISCLOSURE CITATION</b> (Use several sheets if necessary)  Page 1 of 2			Atty. Docket No. 4002-3443	Serial No. New
			Applicant Kevin T. Foley et al.	
			Filing Date January 13, 2004	Group Unknown

### U.S. PATENT DOCUMENTS

*Examiner Initial		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	Filing Date If appropriate
<i>mch</i>	1	817,973	4/17/06	Hausmann	600	204	
7	2	4,204,531	5/27/80	Aginsky	128	92	
	3	4,854,312	8/8/89	Raftopoulos et al.	128	92	
	4	4,995,868	2/26/91	Brazier	604	105	
	5	5,059,193	10/22/91	Kuslich	606	61	
	6	5,074,871	12/24/91	Groshong	606	170	
	7	5,108,404	4/28/92	Scholten et al.	606	94	
	8	5,171,278	12/15/92	Pisharodi	623	17	
	9	5,390,683	2/21/95	Pisharodi	128	898	
	10	5,693,100	12/2/97	Pisharodi	623	17	
	11	5,423,850	6/13/95	Berger	606	192	
	12	5,480,400	1/2/96	Berger	606	60	
	13	5,554,101	9/10/96	Matula et al.	600	214	
	14	5,637,097	6/10/97	Yoon	604	174	
	15	5,685,826	11/11/97	Bonutti	600	204	
	16	5,690,606	11/25/97	Slotman	600	206	
✓	17	5,707,390	1/13/98	Bonutti	606	204	
	18	5,752,969	5/19/98	Cunci et al.	606	167	
<i>mch</i>	19	5,755,732	5/26/98	Green et al.	606	170	

### FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							Yes	No

Examiner *mch* Date Considered *5/14/07*

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<b>INFORMATION DISCLOSURE CITATION</b> (Use several sheets if necessary)  Page 2 of 2		Atty. Docket No. 4002-3443		Serial No. New	
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**U.S. PATENT DOCUMENTS**

*Examiner Initial		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	Filing Date If appropriate
<i>md</i>	20	5,782,713	7/21/98	Yang	474	160	
	21	5,782,747	7/21/98	Zimmon	600	104	
	22	5,785,647	7/28/98	Tompkins et al.	600	201	
	23	5,827,289	10/27/98	Reiley et al.	606	86	
	24	5,865,802	2/2/99	Yoon et al.	604	104	
	25	5,882,340	3/16/99	Yoon	604	164	
	26	5,972,015	10/26/99	Scribner et al.	606	192	
	27	6,039,761	3/21/00	Li et al.	623	17	
	28	6,127,597	10/3/00	Beyar et al.	623	16	
	29	6,146,401	11/14/00	Yoon et al.	606	192	
	30	6,149,664	11/21/00	Kurz	606	194	
	31	6,187,015	2/13/01	Brenneman	606	108	
	32	6,190,381	2/20/01	Olsen et al.	606	32	
	33	6,214,016	4/10/01	Williams et al.	606	108	
	34	6,228,068	5/8/01	Yoon	604	246	
	35	6,228,082	5/8/01	Baker et al.	606	49	
<i>mch</i>	36	6,325,812	12/4/01	Dubrul et al.	606	185	
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**FOREIGN PATENT DOCUMENTS**

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation
							<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Examiner

*mch*

Date Considered

*5/14/07*

\*Examiner: initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.